President.—Is it necessary for you to move at this stage before the Press Communique is issued? The communique will be issued this evening.

Order of Resolutions taken up for Discussion.

Mr. K. T. MATHEW.

May I know whether the resolutions submitted for the discussion in this Council are in the ballotted order?

Mr. T. K. KRISHNA MENON.

Those that are to be brought before the Council are in the order in which they were ballotted.

Mr. K. T. MATHEW.

Standing Order No. 6 (2).

"The relative precedence of notices of bills and resolutions given by non-official members shall be determined by ballot." The first resolution in that order is for introducing free compulsory education. The second is that this Council recommend that necessary steps should be taken as early as possible for the compulsory teaching of temperance in all recognised schools. And the third that this Council recommend that the Malayalam language should be made the medium of proceedings in all offices, including judgments, arguments and Government communications, except those with the Paramount Power.

Mr. A. B. SALEM.

I rise to a point of order. We shall raise the point about resolutions when we come to the first resolution. We shall take the point when we come to the first resolution. My point is that at this stage we should not.

Mr. K. T. MATHEW.

I want only information about that.

President.—We shall take it up at the proper time. We shall pass on to the next item.

Mr. K. T. MATHEW.

I want simply the matter to be brought before the notice of the Council.

THE COCHIN ELECTRICITY BILL.

Mr. K. ACHYUTA MENON.

I beg to move that the Draft Electricity Regulation be read in the Council.

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Mr. T. K. KRISHNA MENON.

I second the motion.

President.—The procedure to be followed with regard to the introduction of bills is laid down in S. O. No. 31. The motion has been seconded, and its general provisions may now be discussed and the motion then put to the House. If carried, the Secretary shall read the title of the bill. Of course, we have now to discuss the provisions of the bill.

Mr. K. ACHYUTA MENON.

From the nature of the Regulation, I do not think that any discussion is absolutely necessary, although the law provides for a discussion.

Private enterprises for lighting and other purposes are on foot. A scheme for supplying electricity to Mattancheri is under consideration. This bill is framed with a view to provide adequate safeguards to person and property which might result therefrom.

President.—I do not think any discussion of the bill is necessary.

Mr. K. ACHYUTA MENON.

That is so; the bill involves no difficult point on which there can be any difference of opinion with regard to the provisions thereof.

President.—Anyone wishing to take part in the discussion?

Mr. C. ACHYUTA MENON.

There are a few variations from the Indian Electricity Act. That is all.

Mr. K. ACHYUTA MENON.

Certain words had to be substituted. It generally follows the British Act.

President.—It is not contentious, and if the general provisions are acceptable, it is open to the President, if necessary, to suspend the rule as to 15 days.

Mr. V. K. KOCHUNNI MENON.

It is not necessary to observe the rule in this case.

President.—What I say is that, normally, the bill cannot be taken into consideration in detail unless the member proposes that a Select committee be appointed. If this is not done, he will be entitled to have the bill taken into consideration only after the expiration of 15 days, which time need not lapse in all

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cases, because the President is given the discretion to suspend the rule in the S. O., No. 32.

Mr. M. KRISHNA MENON.

Section 38 of the bill, clause 3.—"Any rules made in pursuance of clause (f) or clause (h) of sub-section (2) shall be binding on the Crown". The word "Crown" appears in the section. Is it a mistake in the copy?

President.—But are there many mistakes of that sort?

Mr. M. KRISHNA MENON.

I read through the provisions, and this is the only one I came across with.

Mr. K. ACHYUTA MENON.

After the present motion is carried, the clauses can be discussed, and the matter will then be taken up for consideration. That is, we can then go on with the amendments.

Mr. S. F. NUNEZ.

This is not the stage for amendments. This is a general consideration of the bill.

Mr K. ACHYUTA MENON.

The principle of the whole bill and the general provisions may now be discussed ; that is all.

President.—Whether it is a mistake or not it will come up in the discussion with regard to the particular clauses of the bill. Are you referring to a verbal mistake?

Mr. M. KRISHNA MENON

I do not know whether it is a verbal mistake. It is consistent. It requires amendment. The Hon'ble Law Member may enlighten us as to whether this is a clerical mistake or an intentional one. If so, this is the proper stage to discuss it.

Mr. C. A. OUSEPH.

Here we have only a general discussion of the matter. From Rule 41 you will find that the whole bill will be taken up for consideration again. The matter referred to by the Hon'ble Member for Vyttila comes up in the course of the amendments to clauses. These things are out of place at this stage, and now the House has only to see to the object of the bill—whether the Elelctricity Regulation should be introduced.

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Mr. S. F. NUNEZ,

"General provisions" means "general principles involved therein". The consideration of the general principles may, after all, be by sections.

Mr. M. KRISHNA MENON.

Are we going to read it, section by section?

Mr. S. S. KODER.

I say that all these matters may be left to the discretion of the President.

President.—Mr. Krishna Menon, do you want my ruling on this point?

Mr. M. KRISHNA MENON.

No, Sir. I do not want any ruling. I must candidly admit that I do not know the procedure. I leave all this to the consideration of this House.

President.—Any other member wishing to speak, before I put the motion to vote?

Mr. A. B. SALEM.

A ruling should be made at once.

President.—Mr. Salem, we have not reached that stage now. Now, I draw the attention of the House to the S. O. No. 31 (3), which says that the motion has to be carried first. It has been seconded. Before I put the motion to vote, I want to know whether the general discussion is ended. Do you like to say anything on the discussion and the provisions of the bill?

Mr. A. B. SALEM.

All of us feel the necessity for an Electric Regulation. Therefore, I have nothing to say against the Regulation.

President.—The necessity is one thing and the general principles and provisions are another.

Mr. A. B. SALEM.

Then, of course, I wish the motion to be put to vote.

The President then put the motion to the House. It was carried.

Mr. T. K. KRISHNA MENON.

The title of the bill, Sir, is the Draft Electricity Regulation.

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President.—Yes.

Mr. C. ACHYUTA MENON.

The words "Draft Regulation" have been in common use in Cochin hitherto. But in any of our rules, do we admit of such a phraseology as "the Draft Electricity Regulation"? I know that the words "Draft Regulation" have been used for a long time here. But none of our rules allows such a phraseology. It is only when bills are passed that they become Regulations. The "Draft Regulation" is a creation of Mr. Subrahmanya Pillai, Judge.

President.—I think it would be better if the phrase "Draft Regulation" is adopted till it is passed. It is a bill.

Mr. C. ACHYUTA MENON.

The proper word to be used is the "Bill", and not the "Draft Regulation". Both are simple. So we would prefer to have it as "the Electricity Bill".

President.—Now it comes to this: instead of saying "the Draft Electricity Regulation", we should say "the Cochin Electricity Bill." The word "Cochin" also should be added, as is done in Madras with regard to the Acts there.

Mr. C. ACHYUTA MENON.

We are not legislating for other countries. (*Laughter.*) It is immaterial.

President.—We say "the Indian Councils Act", "the Indian Electricity Act" and so on. So we say of the Legislative Council here the "Cochin Legislative Council" and the rules are called the "the Cochin Lgislative Council Rules"

Mr. S. F. NUNEZ.

I have no objection.

President.—But after the Bill is passed, it becomes a Regulation. In other places it becomes an Act. That is a distinction which has to be kept up.

Mr. C. ACHYUTA MENON.

Yes, so that, till it receives His Highness' assent, it is a bill. After the bill is passed into law, the appropriate designation we ought to give to it is "Act" and not "Regulation." That has been the convention in the Indian Acts. But they are not called "Acts" in the Native States. That has been the custom in all Native States. In Mysore, for instance, they do so, though it was under British administration for a long time.

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President.—The matter comes to this: when we say "the Draft Electricity Regulation", it is a bill which has not been passed into law. The moment it is passed into law, it becomes the "Electricity Regulation". That is the difference.

Mr. K. ACHYUTA MENON.

So that, when we use the word "Draft", it certainly connotes that it has not been passed into law.

Mr. C. A. OUSEPH.

Rules do not allow of such a phraseology. The Secretary is to read the title of the *bill.*

Dr. A. G. MENON.

No one of the definitions has reference to the expression "Regulation". The definition of "Bill" is given; and S. O. 2 says that "Regulation" means the "Legislative Council Regulation". The definition of "Bill" "is a proposed enactment in any stage before it has received the assent of His Highness the Maharaja."

President.—So, instead of "Draft Regulation", the word "Bill" may be introduced consistently with all the definitions here in the Council Regulation, the Rules, and S. O's.

Mr. T. K. KRISHNA MENON.

If we use the words "Draft Regulation", it will be correct, I believe. It is just like saying a "Bill". Only purists can take exception to these terms. This debate has therefore only an academic interest. I do not think it will be against the provisions of the Regulation, if we use "Draft Regulation" instead of "Bill".

Mr C. ACHYUTA MENON.

If you can find 20 or more synonyms for the word "Bill", are we at liberty to use all these words in connection with our discussion of the provisions of the bill? "Bill" is the word used in all our rules. A "Draft Regulation" means a "Bill". It is possible to find out other words meaning "Bill" at our discretion and at random.

President.—Mr. Krishna Menon, what is your objection?

Mr. T. K. KRISHNA MENON.

I have none whatever. I only stated that the discussion has got only an academic interest. The title of the bill does not matter much. So far as its provisions go, they will never be affected by using the word "Draft Regulation". I do not care what words are used.

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Mr. A. B. SALEM.

But we do care what words are used. The old regime under which it had been the practice to use the word "Regulation" has come to a close. We are now working towards the realisation of the new era. That should be kept in view in all our discussions. We have here in this State a Legislative Council to make laws.

A certain procedure has been adopted for the purpose. It is laid down that bills have to be introduced, and, when the bills are passed, they become regulations. Now, we have to adopt that procedure in order to mark the change of the period that we have come to in the adminstration of Cochin, and it is not left to the Secretary here to say that it would not matter what word we use. The provisions require that any matter which is to come into law must be brought first in the form of a bill. The term "Draft Regulation", of course, was a mistake, we understand. The Secretary to the Legislative Council was, therefore, to point out that that word was not appropriate at this period of the administration of Cochin. It should have been the "Electricity Bill", instead of "Draft Electricity Regulation". We are not fighting here for words, but we are fighting here for the adoption of a new word in order to mark the new period in the administration of Cochin in the matter of making laws. (*Laughter and hear, hear.*) That is the point, Sir, and here, in the Regulation and the Rules, it is put "Bill" and a bill means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja. Therefore, when any bill is to be introduced as a law here, it is to be entitled as a "Bill" and brought into the House, and as the Government Advocate has rightly said, 'I beg to introduce "the Cochin Electricity Bill"'—

Mr. T. K. KRISHNA MENON.

He did not say so.

Mr. A. B. SALEM.

And therefore, the title must be read as the "Cochin Electricity Bill", and there is no question over it. (*Hear, Hear.*)

Dr. A. G. MENON.

There in no consensus of opinion in regard to these matters.

Mr. C. ACHYUTA MENON.

What do we mean? There are regulations passed by the Viceroy just like what we call rules made under a regulation by the Diwan.

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Mr. M. KRISHNA MENON.

I rise to a point of order. There is no provision in this Regulation for this discussion. If the motion has been seconded, the title of the bill should be read by the Secretary, and the member in charge may immediately move that the bill be referred to a Select Committee. There is no bill under discussion.

Mr. C. ACHYUTA MENON.

Suppose the title of the bill was not read. Are we to sit quiet? (*Laughter.*) To avoid confusion of thought it is better to have the word "Bill". The Standing Orders and the Rules and the Regulation are definite on the point. It is defined that "Regulation" means "the Cochin Legislative Council Regulation", and the phraseology used in all these is "Bill", and it is desirable to have the word "Bill" instead of "Draft Regulation".

President.— I suppose that when the bill is passed into law, it be comes a Regulation and not an Act as elsewhere, and then we call it "the Electricity Regulation".

Mr. A. SANKARA PUDUVAL.

In future the word "Bill" may be used.

President.— The Cochin Electricity Bill.

Mr. K. ACHYUTA MENON.

A proper time will come to consider this point. It is too early at this stage to consider this matter. The title of the bill and its sections were all there. I did not manufacture them for myself.

Mr. A. B. SALEM.

These matters may be considered, when the bill is before the Select Committee. In the published Regulation it is put down as "Government Bill". The Select Committee of this House can make the necessary modifications in the title when the bill is taken up for consideration.

Mr. T. K. KRISHNA MENON.

Sir, I shall explain immediately.

Mr. A. B SALEM.

Sir, may I know whether the member is in order?

Mr. T. K. KRISHNA MENON.

I am afraid that the Member for the Jewish Constituency forgets that I have got two capacities — my individual capacity as a member of this House and also my capacity as the Secretary of this Council.

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Mr. A. B. SALEM.

I speak with reference to the Hon'ble Member in his own capacity as a member of this House. As Secretary he can only read the title of the bill.

Mr. T. K. KRISHNA MENON.

In my capacity as the Secretary, I can only read the title of the bill as given in the published Gazette. I cannot change it, and then, as to the progress of the Cochin State being marked by the words "Regulation" and "Bill", all that I can say is that I differ from that view.

President.— The motion having been carried, we shall proceed to the next item.

Mr. C. ACHYUTA MENON.

It is not a material point. But, however, our object in drawing your attention to it is that the whole thing had been made a mess of. For instance, in the case of the Cinematograph Regulation, before the statement of Objects and Reasons, one title is used, and when it comes to the bill, the words "Draft Regulation" are used.

President.—But we will correct all that hereafter. The title "Draft Regulation" is a mere jumble of words.

Mr. T. K. KRISHNA MENON.

Exactly so.

President.—Then, you wanted a suspension of the rules.

Mr. K. ACHYUTA MENON.

I don't propose to have this matter referred to a Select Committee. It is left to the option of the member in charge; but, in such a case, the bill could not be taken into consideration before 15 days have elapsed.

Mr. K. T. MATHEW.

Sir, may I know whether the member has any reason for not referring the bill to a Select Committee?

Mr. K. ACHYUTA MENON.

Because it is not a controversial matter.

Mr. K. T. MATHEW.

As we had not sufficient time to study the bill, I request the mover to have it referred to a Select Committee.

President.—It was published in the Gazette to enable the members to study it well. You will see that even in committees

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they will sit separately and discuss the measure. We may ourselves do it in the Council.

Mr. K. T. MATHEW.

As the matter now stands, we can only accept what the Government says, as we are not in a position to oppose the bill.

Mr. K. ACHYUTA MENON.

There is little to consider. The main provisions of the Indian Electricity Act of 1910 have been adopted in this bill.

President.—The question is only one of the applicabil ty of these provisions to the conditions existing in our State.

Mr. K. ACHYUTA MENON.

I think it advisable to proceed with the bill now. I now make a formal request to the President to suspend the rule regarding the expiration of 15 days.

President.—Then I suspend the rule. It is only to save time. What is the next stage?

Mr. C. A. OUSEPH.

Standing Order 37 (2). "If a member in charge moves that the bill be taken into consideration, any member may move as an amendment that the bill be re-committed."

Mr. K. ACHYUTA MENON.

That is with regard to the re-committing of the bill once reported by the Select Committee.

President.—Under Standing Order 38, "When a motion has been agreed to by the Council that a bill be taken into consideration, any member may propose an amendment of such a bill."

The motion has to be agreed to before considering amendments. Is it not?

Mr. C. ACHYUTA MENON.

We have arrived at a stage when members may move amendments. It is clear.

President.—Any member wishing to speak?

(There was none.

Now, the motion may be put to the votes.

Mr. M. KRISHNA MENON.

Standing order No. 39. "If notice for a proposed amendment has not been sent to the Secretary 6 clear days before the

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sitting of the Council at which the bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this rule, allows the amendment to be moved".

That is, when the motion has been taken into consideration and agreed to.

President.—We have to agree to the motion.

(The motion was put to the votes and carried).

What is the next step? Are you going to consider it clause by clause?

Mr. C. ACHYUTA MENON.

There is no amendment of which due notice has been given. It shall be in the discretion of the President to admit or not to admit it, if any is now brought.

President.—We are going to follow a mechanical process of reading it clause by clause. Otherwise, suppose the President calls only a certain clause and you have got objection to other clauses, what is the procedure to be adopted? "The President shall call each clause separately, and when the amendments relating to it have been dealt with, etc., etc.."

Mr. C. ACHYUTA MENON.

Are we going to read the bill, clause by clause? There is no amendment of which due notice has been given. It shall be in the discretion of the President to dispense with notice.

President.—As has been already said, we have to go through a mechanical process.

Mr. C. A. OUSEPH.

Section 41 of Standing Order comes into action here. "It shall be in the discretion of the President, when a motion that a bill be taken into consideration has been carried, to submit the bill, or any part of the bill, to the Council clause by clause."

What I submit is this: that this provision is intended for emergency measures as also the rule about the suspension of the 15 days' rule.

Mr. S. F. NUNEZ.

My humble opinion is that the suspension is intended for emergency measures.

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Mr. C. ACHYUTA MENON.

Standing Order No. 41 overrides the provision made in the previous paragraphs. It is open to the President to override the provisions in Standing Orders 38 to 40, under the authority vested in him under Standing Order No. 41 . The subsequent provision will have to be adhered to.

President.—There is no amendment. We have to read the bill clause by clause. If there is any amendment, there is no notice given about it. It is in the discretion of the President to submit a bill or any part of it clause by clause. To what matter does that discretion relate? Amendments shall ordinarily be considered along with the clause to which they respectively relate.

Mr. C. ACHYUTA MENON.

May I refer to Standing Order No. 42 which says that amendments should be dealt with first?

Mr. K. ACHYUTA MENON.

But this objection stands in the way. From the nature of things, when a motion that the bill is taken into consideration is carried, the President may put the bill or any chapter of it to the House clause by clause.

Mr. S. F. NUNEZ.

The amendments may be considered then.

President.—Will you explain the matter? Is it to this discretion of the President that the rule relates? "It shall be in the discretion of the President, when a motion that a bill be taken into consideration has been carried, to submit the bill or any part of the bill to the Council clause by clause"—that is to say, if the bill is one about which the President is satisfied there will be no controversy. Suppose, with reference to a particular clause, a member wants to move an amendment. How can he do so? Then, I suppose, the President should submit all the sections to the House clause by clause, and if, with reference to a particular clause, an amendment has to be made by a particular member, he can bring it forward when the number of that clause is read out.

Mr. M. KRISHNA MENON.

That is my doubt.

Dr. A. G. MENON.

Then, if anybody proposes an amendment, he will come forward and the matter may be discussed before the clause is passed just as we do with supplementary questions.

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President.—We are now considering the question as to whether under the rules it should be so done.

Mr. K ACHYUTA MENON.

The President has the discretion.

Mr. V. K. KOCHUNNI MENON.

When this procedure is adopted, the President shall call each clause separately, and, when the amendments relating to it have been dealt with shall put the question "that this clause or as the case may be, this clause as amended, stands part of the bill". It is a clear case.

Mr. K. ACHYUTA MENON.

That is, after the President has exercised his discretion.

President.—Well, I am going to put the whole bill, clause by clause, for the acceptance of the House.

DIWAN BAHADUR Dr. V. VERGHESE.

So, this procedure will be adopted, that is, when the President exercises his discretion one way or the other. When there are amendments to several clauses, then the President shall take the bill, clause by clause. It seems to me, from a reading of the section, that it would be better to put the whole bill to the House.

Mr. M. KRISHNA MENON.

The following provision is of an imperative nature.

President.—The President is *bound* to call each clause separately; so that he cannot but do it. That is imperative.

Mr. M. KRISHNA MENON.

The only doubt is whether the whole Regulation or a portion of it should be put clause by clause.

Mr. K. ACHYUTA MENON.

When we have so many chapters which need no amendment, they need not be put to the Council clause by clause.

President.—Let us understand the procedure to be adopted here; I say, so far as this Regulation is concerned, having regard to the latter clause of the Standing Order. "When this procedure is adopted"—there is a reference to the procedure; and what is this procedure?

Mr. C. ACHYUTA MENON.

It is to put clause by clause, when there is a number of amendments; that is, amendments to a number of clauses.

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Instead of confining our discussion to these amendments, it will make matters clearer, if the President puts each clause to the vote; and when there is an amendment to any of the clauses, to discuss it at the proper place. "When this procedure is adopted, the President shall call each clause separately". It is to make things clearer. When all the sections are put one by one, they may be amended very easily and discussion will be facilitated.

President.—Then is it necessary that we should put each section clause by clause, or take up only clauses in respect of which amendments are to be made ?

Mr. C. ACHYUTA MENON.

All the clauses must be taken separately.

Mr. CHACKO CHERUVATHUR.

"When this procedure is adopted, the President shall call each clause separately, and when the amendments relating to it have been dealt with, shall put the question 'that this clause or, as the case may be, this clause as amended, stand part of the bill". I think that provision is intended for cases where the President considers that only a portion of the bill need be taken up, the other portion being reserved for another day. It is for that purpose.

President.—Anybody else who wants to speak on this matter?

SHEIK ABDUL QADIR SAHIB BAHADUR.

I submit that the word "discretion" applies only to the submission to the House of a part of the bill or the whole of the bill. The President may use his discretion in submitting the whole bill or a part of it. When a part is submitted, clause by clause, he will not be able to give effect to the latter provision. The President shall call each clause separately. The President need not do it if he wants to exercise his discretion, and clause by clause need not be read. It will take some time. It shall be in the discretion of the President.

Mr. C. ACHYUTA MENON.

Suppose the bill consists of four or five chapters, these should be put to votes as parts of the bill.

President.—When will you know that an amendment has been proposed in the present case ? This measure does not involve any controversy.

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There is no necessity for making use of the discretion, as amendments cannot be moved without previous notice.

Mr. A. B. SALEM.

No notice is necessary if the President will exercise his discretion and excuse the delay. In the case of bills, it is a serious matter if amendments are not taken up for want of compliance with this formality.

The Council rose for lunch. At 3 p. m. it reassembled.

President.—We will resume the consideration of the Electricity Bill under Standing Order No. 41. Is it not? I hope your doubt is cleared, Mr. Krishna Menon. Standing Order No. 38 is not to be followed in this case.

Mr. K. ACHYUTA MENON.

This is the stage at which the bill is taken into consideration in detail. Standing Order No. 41 says, notwithstanding anything in S. O. 38 to 40, it is not compulsory on the part of the President to proceed with the consideration of the bill, clause by clause, in order that the members may propose amendments. Section 38 is qualified by Section 39.

President.—Suppose a member wants to move an amendment to a certain clause. Then we will have to consider the bill clause by clause. One member has objection to clause 49 and another member has objection to an amendment to clause 20. Then a third member may have an objection to some other amendment to certain other clause. How are the members to know that the one amendment relates to one particular clause?

Mr. K. ACHYUTA MENON.

The President has exercised his discretion in suspending the rule as to 15 days. Let us proceed with the bill clause by clause.

President.—How am I to understand or ascertain whether there are amendments to certain clauses? A member will rise and say "I have an amendment to clause 40"; another member will rise, and, on a point of order, say, "I have got an amendment to clause 29". Another may say "I have got amendment to clause 10". So that, in order that your motion may be carried, we must know what are the clauses with which the House is engaged and to which amendments are being proposed. When we have got ready a list like that, it will be possible for me to take the bill clause by clause in respect to which amendments have been proposed. Now I am in the dark as to whether an

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amendment has been proposed by one member or not. I must know which comes earlier, which is the earliest clause in respect to which we have got amendments. We must take up amendments in the order of the clauses.

Mr. K. ACHYUTA MENON.

That is what that Standing Order says.

President.—Amendments will be proposed in the order of the clauses. When considering amendments, you have to see to the list of the amendments, and then put them in the order of the clauses. That is what you must do.

Mr. C. ACHYUTA MENON.

Amendments must be proposed and seconded. We must have a list of all the amendments.

President.—We could have arranged everything properly, if due notice had been given. Now, it is not possible to do all that. All the amendments should be proposed before the consideration of the amendments, so that each member should say whether he has amendments with reference to any clause. I can prepare a list of amendments, and then, we need not deal with other clauses. But my difficulty is what harm is there if the number of each clause is read out in order, and all amendments to it called for by me and put to the vote. It is only a question of a few minutes. You need not be reading the subject-matter.

Mr. K. ACHYUTA MENON.

Suppose we have only one or two amendments. We may pass on to Section No. 5, 6, 7 and so on.

Mr. C. ACHYUTA MENON.

If there is no amendment, then the whole thing will soon be over.

President.—How many clauses are there? How many sections and clauses? All these should be considered.

Mr. K. ACHYUTA MENON.

The number will not be many.

President.—Are the schedules here?

Mr. K. ACHYUTA MENON.

58 clauses. We have got about 17 clauses in the schedule Every Member had an opportunity to read and particularly examine the whole bill.

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Mr. M. KRISHNA MENON.

With reference to the Electricity Regulation, there is no trouble as to the Select Committee and all that.

President.—I don't consider that there is any trouble to take up these sections. I will simply say, Section 1, 2, and then pass on. Then, first, with regard to the title. Is there anything to be said against it? This regulation may be called "The Cochin Electricity Regulation of 1101". Are we to consider this at this stage? Which is the proper title for that?

Mr. C. ACHYUTA MENON.

"The Cochin Electricity Bill" will be the proper title instead of saying "the Draft Electricity Regulation".

President.—We will just propose that as an amendment. That is not in the Regulation itself. That will be the proper thing.

The amendment was duly seconded, put and carried.

The President then read the numbers of Sections 1 to 12.

Mr. K. T. MATHEW.

We have not studied the bill properly.

President.—Have you not gone through this, Mr. Mathew?

Mr. K. T. MATHEW.

We have turned over the pages just to understand the amendments to be proposed.

President.—Let us go on, and we will see whether there are any amendments needed.

Mr. K. T. MATHEW.

Please don't misunderstand me. I have not studied it properly.

President.—But I think you have had time to study. Section 13, 14.

Mr. K. T. MATHEW.

We have just come to that stage.

President.—Section 15. All these are very long sections, Mr. Mathew. Section 16 occupies nearly a page.

Mr. C. ACHYUTA MENON.

More than that—2 pages.

Then the President called out sections 17 to 25.

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Mr. A. B. SALEM.

Sir, I propose an amendment to section 25, clause (2)—the appointment of an Electric Inspector—to substitute the 'Chief Engineer or Assistant Engineer'.

President.—What is the amendment?

Mr. A. B. SALEM.

No additional officer is to be appointed for doing the work of an Electric Inspector. Therefore, I request you to admit my amendment. When another officer is to be appointed, besides the Chief Engineer, it will necessarily involve additional expenditure in our State. The Chief Engineer may be asked to perform the duties of the Electric Inspector for the purpose of this Regulation. He may be invested with those powers for the purpose of this Regulation; and then, he becomes an Electric Inspector.

Mr. C. ACHYUTA MENON.

That is a point to be considered. That is, the Chief Engineer or the Assistant Engineer. It would not be difficult now to say as to whether it should be the Chief Engineer or the Assistant Engineer. A time may come when there will be a necessity to appoint another Inspector in respect of the Regulation.

Mr. S. S. KODER.

Does the work of the Inspector include any other duties except this? Is a full-timed Inspector actually necessary for the purpose? If so, we have to appoint a full-timed officer.

Mr. A. B. SALEM.

What I mean is that difference in disputes will arise in the consumption of electricity, and disputes will have to be referred to somebody. One among the Engineering staff may be made *ex-officio* Electric Inspector. Well, I propose an amendment, so that we may put it here and pass in the Council.

Mr. M. KRISHNA MENON.

It is only an amendment to the Regulation that can be moved. Whether the Chief Engineer or one of the other officers should be the officer is a matter for the Government to consider. The name of the Electric Inspector is to be deleted and the words Chief Engineer or Assistant Engineer to be substituted If that is the amendment, I can understand it.

President.—Mr. Salem will make the point clear.

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Mr. A. B. SALEM.

Sir, I move an amendment. Wherever the word 'Inspector' occurs in this Regulation, the words 'Chief Engineer or Assistant Engineer' may be inserted.

Mr. M. KRISHNA MENON.

Will the amendment apply only to that particular section or is it a general amendment to the Act? First of all, the general amendment should be discussed, so that, wherever the words "Electric Inspector" occur, we have to read "Chief Engineer or Assistant Engineer".

President.—Which are the sections? The question is whether an officer independent of the Chief Engineer is necessary, or whether he should be an officer, whose functions can be performed by the Chief Engineer through one of his Assistants. After all, it is only a matter of appointment. There will be no serious objection, Mr. Krishna Menon.

Mr. M. KRISHNA MENON.

The Electric Inspector must know something about electricity. The Civil Engineers will not always be men knowing anything about electricity. It is an exception in the case of the present Chief Engineer who knows something about electricity. We must not depend upon the Government. If the Chief Engineer does not know anything about electricity, the Government must appoint somebody who knows it.

President.—It does not in fact affect the provisions of the bill. Does it?

Mr. A. B. SALEM.

Sir, I withdraw the amendment.

Then the President called out sections 26 to 31.

Mr. S. S. KODER.

Do we want more than one Inspector? Section 37 speaks of Inspectors.

President.—That will depend upon the extent.

Mr. M. KRISHNA MENON.

Sir, I propose the word 'Government' may be substituted for the word 'Crown' in section 38, clause (3).

Mr. C. ACHYUTA MENON.

I second the amendment.

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Mr. K. S. RAMA AYYAR.

The word 'Crown' occurs in section 31 also.

President.—Does it occur there also?

Mr. M. KRISHNA MENON.

There also clause (3).

President.—Is there any other place where it occurs? I have to proceed clause by clause. Is it not?

DIWAN BAHADUR Dr. V. VERGHESE.

If you change 'Crown' into 'Government' here, it would be similarly done there too.

President.—You see, we cannot place the word 'Crown' in any place.

Mr. A. B. SALEM.

What will be the harm if we retain the word 'Crown' as it is?

President.—It is open to you to oppose the amendment. Then, am I to take it that you oppose the amendment?

Mr. A. B. SALEM.

This word may not be changed into any other word, as it occurs in the original. The word 'Crown' can be used with reference to Indian Legislatures. It can be used here, and it would have the same meaning as it has there.

Mr. S. F. NUNEZ.

Has this amendment been seconded?

President.—I think we have not been using the word 'Crown' here in any other regulations. That I think must be pointed out.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I find hardly any necessity for changing the word 'Crown' into Government.

Mr. K. ACHYUTA MENON.

'Crown' means 'Government'. That should be retained. There is no meaning in substituting the word 'Government' for 'Crown'.

Dr. A. G. MENON.

I support the amendment. I am afraid the word 'Crown' is too big for our State. 'Government' may be changed into 'Darbar'; 'Crown' is generally meant for the British

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Government. I don't think we can retain it. Because we use 'Maharaja' and not 'Crown'. It is the British Crown.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

There is absolutely no necessity for this amendment.

DIWAN BAHADUR Dr. V. VERGHESE.

There seems to be some misconception as to the meaning of the word 'Crown'. Crown is a particular person and certain laws will not affect the Crown. There is no alternative for it. That is why, I think, they have introduced a particular clause in the Council Regulation.

President.—Wherever this word 'Crown' occurs, you have allowed it to remain in the Regulation, and have not altered into any other expression; and, so far as you can see, this expression occurs only in two places. The word has been specially used.

Mr. C. ACHYUTA MENON.

But here we don't make use of such words.

President.—Therefore we come to the question as to whether that provision should be retained or not.

Mr. C. ACHYUTA MENON.

There is this difficulty; section 38 is intended for the protection of the Telegraphic Department. If we do not retain it, the Government will object to this legislation.

President.—Yes, we have to see to it.

Mr. C. ACHYUTA MENON.

That is especially binding upon the Cochin Crown.

Mr. M. KRISHNA MENON.

It is clear that it is not as my learned friend the Government Advocate puts it. This is binding upon the Government as well. Provisions should be insisted on which will be binding upon the Government as well. "No person other than the licensee", etc.; so reads the section. The Government also cannot do it. No person other than the licensee can do it. I put such an interpretation upon the section. The word 'Government' should be used. So, the suggestion to delete the clause is not very acceptable.

Mr. C. ACHYUTA MENON.

What about the protection of Telegraphic wires, of treaties and understandings? I think it would be outside our jurisdiction to enact any law that will be binding on the Government.

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President.—I think there will be reason for deleting the provision. I say it would be binding on the Crown, even without it.

Mr. C. ACHYUTA MENON.

We are not entitled to enact or consider a measure that will affect the Crown; and, as such, we have gone beyond the jurisdiction.

Mr. A. B. SALEM.

That is the ruling family. The word "Crown" may be inserted. We do not refer to His Highness' ruling family. It is different. We cannot bring in any measure which will affect the ruling family. We must have a definite conception of what we are doing.

President.—We must be clear as to the meaning we put on that expression ; otherwise we may be misunderstood.

Mr. A. B. SALEM.

The Electricity Regulation will affect the Crown. If it is the Crown, it is in his private capacity and not in his ruling capacity. Suppose there are crown lands, crown buildings situated in a town. It cannot be said that the Electricity Regulation is not binding on those buildings or lands. They are as much bound as any other commoner's lands. That is the idea referred to in the provision. The rules bind those lands as well as other lands. Once the rules are made, it cannot be exempted because it refers to the lands of the ruling family.

President.—The question is as to whether the provision is to be here or should be deleted. If it is to be deleted, then we are not called upon to consider the question as to whether "Crown", is the proper word to be used, or whether "Government" is the proper word to be used. I think that aspect may be considered. If that is considered, there is an end of the matter. If it is not carried, we will have to consider how we have to change the word or whether we require a change.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I propose the deletion of clause 3 of section 31 as well as clause 3 of section 38.

Mr. C. A. OUSEPH.

There is still a further stage to go back to section 31. There is a stage "Amendment by the Government". We have passed section 31 and then we have come to section 38. At this stage, we cannot pass to 31.

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President.—So that, it does not apply to amendments moved by the Government. Is that so?

Mr. C. A. OUSEPH.

That is not what I am just referring to. We passed section 31. If we want to interfere with section 31 further, the Government, of its own accord, can do it under Rule 42.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

That procedure has not been adopted. We have really passed section 31.

Mr. M. KRISHNA MENON.

But the President has not ruled it. There must be a ruling from the President. Then only that section is over.

RAO SAHIB T. V. KASTURI RANGA AYYAR

Quite so.

Mr. A. B. SALEM.

I rise to a further point or order. I call upon the Law Member whether it is open to the official members who sit on behalf of the Government to move an amendment when the Government itself is in charge of it.

Mr. M. KRISHNA MENON.

Why not?

President.—Do the Council rules prohibit the official members from moving amendments?

Mr. A. B. SALEM.

When Government is moving a bill, I shall be glad to know if they have the liberty of moving amendments like that. But I put it to you whether it is a part of the order of the House whether officials can also alter the bill by amendments.

President.—So long as there is nothing in the Regulation or Standing Orders preventing official members from proposing amendments, I would certainly give them the right.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

Section 31 should be considered first. I propose that subclause 3 of section 31 be deleted.

Mr. T. K. KRISHNA MENON.

Sir, I second it.

President.—Any member wishing to speak on this motion? There was none.

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Mr. C. ACHYUTA MENON.

But there is a prior amendment. Mr. Marayil Krishna Menon's.

President.—Mr. Krishna Menon's amendment won't come in, if this is carried.

The amendment was put and passed. The President then read out the numbers of sections 32 to 37.

President. – Then section 38. Do you make a similar motion?

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I also propose that sub-clause 3 of section 38 should be deleted.

Mr. S. S. KODER.

Sir, I second it.

The motion was put to the House and agreed to.

President.—Then your amendment has no place, Mr. Krishna Menon.

Then the President read the numbers and titles of sections 39 to 46.

Mr. C. A. OUSEPH.

With regard to 46, I want to make it clear. It is not an amendment, of course; the lamps we have in the Municipality are public lamps. Would this Regulation apply to them?

RAO SAHIB T. V. KASTURI RANGA AYYAR.

No. Public lamps, as defined in section 2 of this Regulation, are electric lamps used for street lighting.

Mr. C. A. OUSEPH.

It should be better if that also is added.

The President then read the numbers of sections 46 to 58.

Mr. A. SANKARA PUDUVAL.

To clause 2 of section 58, I beg to move an amendment. I propose that "in pursuance of a resolution of the Cochin Legislative Council" may be added after the words "the Government may". As the Regulation now stands, the Government is given the entire freedom to acquire the site for this purpose by means of the Land Acquisition Regulation. So I wish this amendment may be made. In making this amendment, I desire to bring to the notice of the members of the House our painful

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experience in leaving it to the Government the freedom to acquire lands to satisfy the whims of private persons. Just to have a check upon that, I propose that, this amendment may be usefully added to clause 2 of section 58.

President.— Any one wishing to speak on this amendment?

Mr. S. F. NUNEZ.

I oppose the amendment on this ground, that the function of the Council is not executive and the House has no executive powers.

President.—The Land Acquisition Regulation empowers the Government to acquire land for public purposes, and as to whether the land is wanted for public purposes, the decision of the Government is final. What will be the effect of the amendment on the Regulation? Suppose, under the Land Acquisition Regulation, the Government declares that it is a public purpose.

Mr. A. SANKARA PUDUVAL.

As the application of the Electricity Regulation will be exclusively confined to the towns, it does not fall within the purview of the Land Acquisition Regulation. If the land is to be acquired under the Land Acquisition Regulation, it is to enhance the powers of the Government that this extra caution is taken. Otherwise, section 58 would be superfluous.

Mr. C. ACHYUTA MENON.

For private persons and not a Company.

Mr. A. SANKARA PUDUVAL.

And that is a matter which the legislature has to see, so that the Government may not acquire any property for private purposes as the Government chooses. A private individual may come forward and say "I want to put some electric installation". If the Government be so pleased, the Land Acquisition Regulation may be avoided, and that has disastrous results, so that this amendment to the provision in section 58 has to be added. It must be, and the Council should have a hold.

President.— Had you the opportunity of looking into the corresponding rule of the British Act?

Mr. A. B. SALEM.

It would be identical there.

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President.— Your point is that the Government may act arbitrarily.

Mr. A. SANKARA PUDUVAL.

My point is to guard against Government depriving a citizen of his property, not for Government purposes but for purposes to be served under the provisions of the Regulation, which may or may not come within the term "public acquisition".

Mr. M. KRISHNA MENON.

It exempts public companies, i. e., companies over which the public has a right, such as Railway Companies, Canals Navigation Companies, &c.

President.—There they say that it is not intended to acquire lands for private companies started for their own profit.

Mr. C. ACHYUTA MENON.

In the case of companies like railways, the public can claim certain rights over acquired properties.

President.—What is your suggestion with reference to the amendment?

Mr. A. B. SALEM.

Does the Land Acquisition Regulation empower acquisition of land for a private company?

Mr. C. ACHYUTA MENON.

By agreement with a company and only in cases where the public has a right to exercise control.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

We have got all safeguards in the Land Acquisition Regulation.

Mr. A. B. SALEM.

Greatly misused. The Regulation is allright.

Mr. C. ACHYUTA MENON.

The only instance in which land was acquired for a private company was in the case of the Tatas, and by entering into some sort of agreement by which they bound themselves to give a certain number of shares to Cochinites.

Mr. A. B. SALEM.

Very valuable shares indeed!

Dr. A. G. MENON.

I strongly support the amendment.

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President.—We thought we would get a lot of gain from the Tata Oil Mills, and so Government thought that it should go to Cochin subjects. The result is quite another matter.

Dr. A. G. MENON.

Again, the lands of private individuals may be acquired and there must be some safeguard.

Mr. C. A. OUSEPH.

I strongly support the amendment proposed by the member for Trichur. Under the Land Acquisition Regulation, there are two ways of taking land: for a public purpose and for a private purpose. This is the third way. Of course, there should be proper safeguards. Our experience with regard to the Potteries and Tanneries and others will show that, after these are acquired, these lands rot.

Mr. A. B. SALEM.

How much land is likely to be acquired for these electric purposes.

Mr. M. KRISHNA MENON.

About 10 cents.

Mr. C. A. OUSEPH.

That is on the public road. We have to plant its posts on the public roads.

Mr. V. K. ARAVINDAKSHA MENON.

The acquisition of land will be equally necessary for erecting the buildings and power-houses as in Chowwara Works. No indiscriminate, arbitrary action and taking hold of private lands will be necessary.

Mr. A. B. SALEM.

I rise to a point of order, Sir. The amendment is before the House. It is for the House to consider whether it would accept the same or not.

President.—I suppose there is no objection to consider all the aspects of the case. Should not the members be allowed to throw light on the point ?

Mr. A. B. SALEM.

We are digressing. We need not refer to past sins and future sins.

DIWAN BAHADUR Dr. V. VERGHESE.

There is no opposition.

Mr. K. ACHYUTA MENON.

I beg to oppose the motion. In British India, we do not find Legislative Councils advising Government as to what ought

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to be done in such matters. Sir, there is a provision for the acquisition of land out of public funds.

Mr. A. B. SALEM.

Contributions would partly become public funds.

Mr. K. ACHYUTA MENON.

Even though the purpose is public, there is a provision. Most probably, the legislature permits that funds may be provided.

President.—Government may have to contribute under the Land Acquisition Regulation.

Mr. K. ACHYUTA MENON.

The purpose may be published, but the Government may not be in possession of funds. Of course, several safeguards are provided.

Mr. A. SANKARA PUDUVAL.

Here it is a person and not company. That question is of vital importance, and as such, Government may perform this executive act by means of resolutions.

Mr. C. ACHYUTA MENON.

That is an interference in the details of administration without a precedent anywhere. The land is to be acquired for the sake of an individual. That is the objection raised. But the Government will not acquire for the purpose of an individual except for public purposes.

Mr. S. S. KODER.

But those they have acquired have gone to rot.

President.— Mistakes were committed once and it is no reason why they should be committed again.

Mr. S. S. KODER.

It is no reason why they should not be committed again.

Mr. A. B. SALEM.

If there is a public necessity, the Legislative Council will not be inclined to refuse it.

Mr. C. ACHYUTA MENON.

The difficulty is that the Government will have to take the case to the Legislative Council for sanction. Is the Legislative Council a competent body to decide on questions like that? Suppose the necessity is in Chittur. There are two members representing Chittur who will have some idea of the subject. What would your representatives of the Cochin-Kanayannur Taluk know about the grievances of the Chittur people? There are 30

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elected members here, of whom about 25 may know nothing in their lives about the Chittur Taluk. Government officers know what is required, and it is such a slight matter of administrative detail on which even Parliament will not ask the Government to entrust them that power to sanction land acquisition.

Mr. A. B. SALEM.

I rise to oppose the amendment. The Electricity Company or the licensee cannot carry on its duties, if it is fettered by a provision to ask the Legislative Council for previous sanction before land is acquired for that purpose. I suppose it would be impossible to carry out that. I do want to support. I am not sorry for it. The Electric Co. or a licensee installing an electric plant and supplying energy in a particular town is doing a public service; and if for that purpose before the lands necessary for his electric works are to be acquired, he has to come before this Council or the Government to get their sanction, it would be impossible for him to come forward to undertake such a task, and public interest will, therefore, suffer. It is sufficient for the Government, if it is satisfied that his purpose is a public one, and if the Government makes a declaration, we should be satisfied that the Government had acted rightly. The facts that they have sinned in the past and heinously sinned is no reason for this amendment. When they are sinning, we would be here to question it also. In the past, there was no Legislative Council to question the sins of the Government. We have got one now, a watch-dog in this Council to watch carefully every action of the Government, and if they are wrong, we should set matters right by advising the Government to act rightly. The Government may or may not accept the advice. (*Laughter*).

I must oppose this amendment. The section, as it is, is an absolutely necessary provision for the successful prosecution of any electric work in the State.

Mr. C. ACHYUTA MENON.

(*Hear, hear.*)

President.— Mr. Sankara Puduval may reply.

Mr. T. K. KRISHNA MENON.

One word before that. Sir, to avert the apprehended danger, may I suggest one course to the proposer as well as to the seconder of the amendment ?

President.— You oppose or support?

Mr. T. K. KRISHNA MENON.

It will be plain subsequently.

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President.—Why should you leave us in suspense?

Mr. T. K. KRISHNA MENON.

The fact is that I have not made up my mind one way or the other. I want to know whether the safeguard that I propose would be acceptable to the proposer and the seconder.

Mr. N. PADMANABHA MENON.

That is a middle course. I rise to a point of order. During the budget session, there was a ruling of the President that a member must first say whether he opposes or supports a resolution.

President.—It is always my way to ascertain previously whether a member is supporting or opposing, as I do not think it proper that he should leave us in such a position that we do not know anything about his attitude. Make up your mind as to whether, in the form in which the amendment has been brought, you oppose or support it.

Mr. T. K. KRISHNA MENON.

Yes, Sir. I shall just for the moment put it in that acceptable form. I do not accept the amendment. But I do not think that the President has ever given a ruling that the member should say beforehand whether he accepts or opposes a proposition. There may be cases in which it may not be possible to say one way or the other. There must be some place for those who take up a neutral position.

Mr. N. PADMANABHA MENON.

That is not a ruling given by the President.

Mr. A. B. SALEM.

A point of order, Sir. I want to know whether it is open to any member of this House to "accept" or "not to accept" an amendment. The House may "accept". A member can "support" or "oppose". That is all.

Mr. T. K. KRISHNA MENON.

What I was going to submit was this :—It will be such a cumbersome procedure for the Government, and perhaps not a little inconvenient for this House, if the Government has to bring to the notice of the House by means of a resolution that it wants to purchase a plot of ground. There is, the danger foreshadowed by some of the members that Government might misuse its powers. For that purpose, instead of having "in pursuance of a resolution of the Legislative Council" will it

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not be enough, if we say, "in pursuance of a resolution of the Board appointed under this Regulation"? Turning to section 36, we find, that "the Government may, for the whole or any part of Cochin by notification in the Cochin Government Gazette, constitute an Advisory Board". That is the point I want to bring to the notice of this House.

President.— That is an amendment. Strictly speaking, it is an amendment.

Mr. A. B. SALEM.

Of course, he can propose another amendment. It is virtually an independent amendment.

Mr. T. K. KRISHNA MENON.

I oppose the original amendment of the member for Trichur. I do not wish to move a further amendment. I simply pointed out certain facts for the consideration of the House.

President.—The remarks may be taken for what they are worth. Any other member wishing to speak?

DIWAN BAHADUR Dr. V. VERGHESE.

My remarks would be opposing the resolution. I may say that I feel that, from the observations made by a few members in support of the amendment, the Government or the official members are believed to be entirely in opposition to the interests of the public. There is a suspicion that officers of the Government would be governed by improper motives. I think that the section as it stands would do; because we are both united to do good to the country and benefit the people (*hear, hear*), and any Government officer trespassing on the principle is likely to be called to account in this House at the very next occasion, so that the existence of this House is a check upon misdoing. To entertain a feeling of suspicion that the Government member would not do that which is right, and to insert a provision in the enactment made here with a view to bind the hands of Government and to dictate in the case of their needs, I do not think it right. Let there be a united and concerted effort to do good to the country and a feeling of confidence in each other. I, therefore, oppose, on principle, the introduction of this motion.

Mr. M. K. RAMAN.

I beg to support the amendment. As the Hon ble Member just now remarked, it is not out of any suspicion of the Government

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officers that the Hon'ble Member for Trichur was induced to introduce this amendment. The Government is not, after all, infallible.

Mr. C. ACHYUTA MENON.

No, not even the members of the Legislative Council included.

Mr. M. K. RAMAN.

But still, it will always be better to put several heads together, instead of a few individuals doing a thing. It will be always safer to put a number of heads together, consult them, and carry out a measure, if, as a matter of fact, the Government wants to acquire a plot of ground. If it is not absolutely necessary, and if the proposition is put to this House, the Council would not allow it. Besides, in this particular case, on behalf of the right of the private individual that is in question, I would submit, if that power is entirely left in the hands of the Government officials, it may sometimes be a dangerous weapon. They may not purposely do it. They might go wrong, as they have gone wrong in several instances. It is always better, instead of seeking a remedy after the commission of a wrong, to prevent it. I hope the Hon'ble Dr. Member will agree with me, when I say that it is better to prevent a disease rather than seek a remedy afterwards.

President.—Prevention is better than cure.

Mr. M. K. RAMAN.

I would submit that this amendment is necessary, because the powers of the Government under the Land Acquisition Act may be sometimes used to the detriment of individuals. So it will be safer to have this power vested in the hands of the Government authorities after the proposition is brought into the Council and the Council's consent is obtained.

Mr. CHACKO CHERUVATHUR.

I beg to support the amendment. This section, as it now stands, serves to infringe upon the private rights of private owners of property. These must be very carefully guarded. So the motion proposed by the Hon'ble Member for Trichur is well placed. The person who is prepared to work electricity will also be in a position to function it on a private site at his cost. Probably, he may have to pay a little more than the market price. That is all. It will be very hard upon the private owner to be forced to give up his land at the cost offered by the Government. Therefore, I support the amendment, and further,

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if that amendment is not allowed, I beg to move an amendment that that section my be deleted.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I wish to speak on a particular point. If we accept the amendment of the Hon'ble Member for the Trichur Municipality, it will be a real difficulty. So far as the significance of the resolutions passed in this Council is concerned, the rules stand in such a way that we have very clear proof that resolutions will have only the effect of recommendations to the Government. If that amendment is accepted by the Government, we have to accept the resolution also. I do not know how we can accept the amendment in the face of such a clear provision in the Legislative Council Regulation and the rules framed thereunder.

President.—But then, it may be said that the Government will, of course, give due consideration to the resolutions passed by the Cochin Legislative Council, unless there are very strong reasons to the contrary.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

In any case, there is nothing to prevent the Government from rejecting the resolutions. After acquisition, till possession is taken, the Government can withdraw at any time. As a rule, it is supposed that the Government would act properly. If Government act improperly, a member can bring a resolution to the Council and the resolution may be carefully considered here. Now, as it is, I may even say that, if the amendment is accepted, I hardly see how it is not against the express provisions of the rules issued under the Legislative Council Regulation.

A member who comes here proposing the acquisition of a specific site and who wants a resolution to be passed in the Council (for acquisition of the same) may be opposed by the Government which may suggest another. It shall be within the power of the Government to accept or reject the resolution. It will have effect only as a recommendation, and then, to say that under any regulation to be passed by the Council, the Government cannot acquire a plot of ground except in pursuance of a resolution passed by the Council seems to be an anomaly. As to the misapprehensions of some of the members, we have certain safeguards provided in the Land Acquisition Regulation. A particular private person who wants to instal an electric plant and who wants a piece of land for it is not to be treated like a

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company, and all the safeguards we have provided in the Land Acquisition Regulation will apply to these acquisitions as well. So long as we have got very clear precautionary measures, you must always expect Government to do their duty properly, and this Council, as remarked, will have a sort of moral influence over Government, and will be an effective check upon arbitrary action. This influence can be exercised at all times by the Council.

Mr. A. B. SALEM.

We will consider that aspect of the question, whether it is consistent with the powers of the House under the Legislative Council Regulation and the Rules issued thereunder. Any resolution passed by this Council will have no legal effect even if it is accepted by Government.

Mr. A. SANKARA PUDUVAL.

I am sorry that almost all the Hon'ble Members who have opposed my amendment have not been able to offer any serious explanation of their opposition rather than the one that the Government is not more or less infallible. Let us endeavour to analyse the Diwan Peishkar's suggestions. Now, what is the view of the Government? The difference lies in the point of view. To pursue the Diwan Peishkar's argument a little further. Let us take it for granted that the permission to acquire land applies to a person who acquires land. Government thinks that it is necessary for a "public purpose". That is exactly where we differ. There is no reason to suppose that the Government knows more than others about the necessity.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I oppose it.

Mr. A. SANKARA PUDUVAL.

His Highness the Maharaja has proclaimed that the object of this Legislative Council is to enable the people to have a voice in the administration and to enable them to have a right to represent what they think of it. Have you any instances of private installation to be put in Cochin? It is for the sake of people in Cochin and they are the best judges. The wearer knows where the shoe pinches. Now, we come here on finding the necessity for putting up an electric installation. We make our representations. It is for the Government to decide whether hey will hear us or not. The angle of visi on of the Government is entirely different. The fallacy of the arguement lies in this, in supposing that the Government knows where the shoe

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pinches. If a person approaches the Government with a request that an electric installation is to be put up, the Government, as you know, forms no pre-judgment of its own. Otherwise, our existence here is meaningless. I refer, Sir, to my present position.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

The law provides for a notification to be published in the Gazette to the effect that an application has been made by Government for an acquisition. It is not done in darkness. It is published in the Gazette. There is a provision to that effect.

Mr. A. SANKARA PUDUVAL.

I request I may not be disturbed. I appeal to you, Sir, that it is better to adhere strictly to the rules laid down in the Council Regulation and Standing Orders. The member has twice interrupted me. I am not aware of any provision in the Standing Order which allows an Hon'ble Member to speak on a second occasion. He had no business to interrupt me and to baulk me of my time.

President.—It was not a speech of the Diwan Peishkar, but it was only an explanation.

Mr. A. SANKARA PUDUVAL

I am not aware of any provision which allows him to make such an explanation.

Mr. S. F. NUNEZ.

Which the Hon'ble Member himself has been guilty of.

Mr. A. SANKARA PUDUVAL.

So long as I am speaking, I will not be disturbed. What I want to impress upon the House is that when an installation is to be put up, any private person may approach the Government with a request. The question then is whether there is a necessity for that. As the matter is best known to the people themselves, they are the best judges in the matter, and there is no meaning in the Government wanting to do this thing or that thing without consulting the people. The amendment is to enable us to have a right view of things. Otherwise, our presence here would be a sheer waste of time, and this Council would be a delusion and mockery. We refuse to associate ourselves in this matter in which we are prone to believe that we are not treated according to our deserts. There is no use of saying that the resolution of the Council will have the effect only of recommendations. Everybody knows that, so that it is too elementary to be placed before the Council. My proposition is

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this: Is it right to acquire a property under the Land Acquisition Regulation? I say it is legalised confiscation of private property. It is an invasion of a private right. The Government wants to take it away, not by virtue of purchase or by free will or contract from private persons. We have no option in the matter. The Government wants that we should surrender the land. I do not consider it a necessary provision.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

Government comes and points out that a plot of ground is necessary for a public purpose.

Mr. A. SANKARA PUDUVAL.

In the first place, this Regulation is likely to be applied more within the Municipal Council areas. In the ordinary course of things, this is not very likely to come into force in the mofussil parts. In municipal areas, each part is precious and very valuable. Compensation would be no adequate relief, whatever, so that it is a matter for the Government to acquire lands after coming to an understanding with the people. So, I say let the Council settle it. If, in spite of their representation, the Diwan Peishkar says that the representatives of the people should incur the displeasure of the Government.—

RAO SAHIB T. V. KASTURI RANGA AYYAR.

It is not the Government.

Mr. A. SANKARA PUDUVAL.

That is exactly what I mean by saying that the amendments will only help the Government to understand the true state of things. The necessity for the acquisition is a matter of opinion. There is no apprehension, the matter being left to the Members of the Council, and, as has been pointed, a resolution has no legal effect whatever. When there is no clear necessity for the people, there is no necessity to invade the elementary rights of private property. My point is there is absolutely no necessity to consider that the Government will come to know one part of the country more than the people themselves. Because, in a case like this, when an electric installation is sought to be put up, it is the people who know the particular locality or the municipality who are the best judges. And what possible objection can there be in a matter in which the rights of private ownership are safeguarded? Even if people do not want it, the land is likely to be liable to confiscation. I want a provision that the right conferred by law should not be taken away arbitrarily. My remarks should not be construed to mean that

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the Government act wrongly. To err is human. They are not angels come down from heaven. They are likely to err. Their actions have to be discussed without attributing any motive to them. The best way of guarding against mistakes is to ascertain beforehand the views of the people, I take exception to the remarks made by the Hon'ble Member for Mulakunnattukavu in the matter. It is not a matter of detail. If we come to the conclusion that a particular land has to be acquired, and if a resolution is passed to that effect, the working of it in practice is a matter of detail. But to say that, under the colour of the provision of section 58, my land may be conveniently acquired is what I take objection to. Is it a matter of detail? I submit it is not a matter of detail, but it affects the law of private ownership of land within the Cochin State. Any item of property could be acquired for any purpose whatever. Now, as the section itself stands, even if we consider that the provision of the Land Acquisition Regulation were acceptable, this section goes beyond that and should not be tolerated at all. Therefore, in view of this fact, I say it is an invasion of the right of private ownership which is attempted to be effected. It is very essential that a safeguard should be given. There is no harm in giving a safeguard. Under these circumstances, I request the House to be pleased to consider this matter, to give the matter its best consideration and to support my amendment.

President.—The amendment brought before the House is to section 58, clause 2. It is to insert after the words "the Government may," and before the words "if it thinks" the words "in pursuance of a resolution of the Cochin Legislative Council". The amendment has been duly seconded.

The amendment was then put to votes and lost.

Mr. T. K. KRISHNA MENON.

On a point of order, I request the President to give a ruling with regard to the right of explanation which every member has when he is misinterpreted.

President.—Does this arise from the amendment?

Mr. T. K. KRISHNA MENON.

I think a ruling from the President in the matter is necessary. I think, if an Hon'ble Member, in the course of his speech, misinterprets what another has said or left unsaid, this member has got the right to explain his position in the middle of a speech. I do not want to discuss the matter. He has got a right to

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explain. That position may be made clear, as it is now doubted. That is all.

President.—Such an explanation is permissible. Now, what is your amendment ?

Mr. N. PADMANABHA MENON.

From section 58, I move to delete the second clause altogether.

Mr. A. SANKARA PUDUVAL.

I support the motion.

President.—But is your amendment in order under Standing Order 24 (5) ? We have been considering a similar amendment and it has been lost. You have now the principal question, one of acquisition. You see, we have discussed that question already.

Mr. N. PADMANABHA MENON.

The previous amendment was that land acquisition under certain conditions should be allowed. This amendment needs no explanation. The application need not be considered by Government if we delete this clause altogether.

President.—There need not be any acquisition at all. Is that what you say ? Now, the amendment will have the effect of taking away the special facilities provided under this Regulation, so that Government will have to fall back upon the Land Acquisition Regulation.

Mr. A. SANKARA PUDUVAL.

When the previous amendment was being discussed, the arguments proceeded on the ground that the application by a person to construct an electric installation is for public purposes. Private rights will be affected in any case, and only a few will have the benefit of the installation. When a private person makes an application for acquisition, and the land is acquired the party injured is another private person, and the party really benefited is only a small section of the population. The party benefited by an electric installation will be only a few members, very wealthy members, of one particular town.

Mr. N. PADMANABHA MENON.

So the House will not consider that the application of a person for an instailation is in all cases for a public purpose, for which he seeks to acquire land. Any act on the part of the executive authority to put a person out of his private rights is

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to be stoutly opposed. That is the point on which I propose this amendment.

Mr. A. SANKARA PUDUVAL.

I beg to second that amendment, so that the effect of the amendment will come to this :—The supply of electricity being a luxury, it should not be placed on equal terms with other enterprises in these progressive times.

Mr. N. PADMANABHA MENON.

But the injury done will be great to the party concerned before the law is moved. There are so many other considerations which will be material to the party injured.

President.—Please explain the matter a little further.

Mr. A. SANKARA PUDUVAL.

Suppose, under the Land Acquisition Regulation, the Diwan Peishkar has power to enter into possession after a certain period. He has to watch the whole controversy to find out the best site. These are all troubles to the executive authorities. The holder of the land will get a few rupees by the application of a particular person for his land. The benefit to the population will be small in proportionate to the trouble. Those who will be able to go in for electricity will be only a small section, and that only a very wealthy few. There is no guarantee that all the public in a town will go in for electricity.

Mr. C. ACHYUTA MENON.

What, if it were for municipal lighting?

Mr. A. SANKARA PUDUVAL.

It could be granted for municipal purposes, as there would be sufficient safeguards.

Mr. V. K. ARAVINDAKSHA MENON.

I beg to oppose the amendment; for there are certain wrong assumptions underlying it; they are:—(1) Electricity is a luxury. I do not know how far he will be right in saying that electricity will be a luxury. But, so far as modern civilisation is concerned, I am led to think that electricity is as essential as good water supply or any other sanitary improvement. (2) Again, the advantages to a single individual installing a concern will be very small as against those accruing to the public. There is no exception. The Hon'ble Member says that it is only the wealthy few among the population who would go in for electricity. But a private individual will not ordinarily be

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able to start a very excellent concern for electric supply, because it is difficult to get a good number of customers, so that, if you extend any concessions to start electric work to a private individual who is enterprising, he will be able to do so. Otherwise, there is little chance for an individual to succeed in the enterprise.

Mr. K. ACHYUTA MENON.

I too, Sir, oppose the amendment. There is no justification for allowing an acquisition by private companies. There are certain conditions in the Land Acquisition Regulation. The provisions of the Land Acquisition Regulation could not be objected to. Government considers whether it ought to acquire land for a public purpose and whether it is necessary. I think it would be unjust for Government to acquire lands for a company. Of course, if it were so, the provision of the Land Acquisition Regulation regarding this ought to be repealed. I think it is just for the Government to put in operation the Land Acquisition Regulation in favour of a private person singly, as opposed to a company, provided he satisfies all the conditions, and I do not think any more precautions need be taken.

Mr. A. B. SALEM.

In this, the last clause under discussion, clause 2 of section 58, it is said that "Government, may, if it thinks fit, on the application of any person not being a company, desirous of obtaining any land for the purposes of his undertaking, direct that he may acquire such land under the provisions of the Land Acquisition Regulation, in the same manner and in the same conditions, as it might be acquired if the person were a company."

Is it the intention of the mover of the Bill to empower the individual to acquire the land under this Regulation?

President.—The Government may acquire the land under the Land Acquisition Regulation.

Mr. A. B. SALEM.

Then, this provision must be deleted.

"The Government may, &c., &c." (Again reading section 58, clause 2).

I have supported the motion that the Government may always acquire the lands, but it says, he, the licensee, may acquire. The Government may acquire for him. Otherwise, it is a different matter. Now, the Government could empower the Tata Oil Mills, and they may come and acquire the lands, and the fact may be notified.

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President.—The Government may direct that he may acquire such lands under the Land Acquisition Regulation.

Mr. A. B. SALEM.

I do not know whether there is a mistake here. That is why I ask. Of course, Government may acquire and hand over to him the land, if it is agreeable. What is the meaning, and what are the provisions for such an acquisition? Of course, the Government may empower him to acquire lands, and in that case, he can acquire lands. That may be dangerous. It may be made clear, of course.

President.—To-morrow, we shall finish off to-day's business first and then begin the regular business tabled for the day.

The House adjourned its sitting for the next day at 5 p. m.

T. K. KRISHNA MENON,
Secretary to the Legislative Council.

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